

ORIGINAL

UNITED STATES DISTRICT COURT

★ JAN 03 2018 ★

for the
District of

BROOKLYN OFFICE

COGAN, J.

Division

Case No.

CV 19-144

(to be filled in by the Clerk's Office)

Jury Trial: (check one) Yes No

Joseph Robert of the Petty Family

Plaintiff(s)

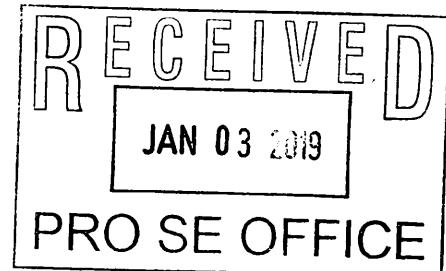
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Scott M. Davis, Esq Docket # 2018.2377
Carol Siegel, Esq Docket # 2018.1747
LAUREN PARSON Assistant District Attorney
Russell Rothberg, Esq.
Richard L. Brichter

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address

Joseph Robert of the Petty Family
currently 1 Wallack St Bronx NY 10471-01
Bronx County (V.C.B.C.)
"New York" 10474
N/A
N/A

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

RUSSELL ROTHBERG, Esq.
 ATTORNEY AT LAW (?)
 273 Merrick Road
 Lynbrook, NY
 11563
 (516) 792-9830
 russroth@aol.com

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

SCOTT DAVIS, Esq.
 ATTORNEY AT LAW (?)
 118-35 Queens Blvd
 Forrest Hills
 NEW YORK 11375
 718-268-2986

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

CAROL SIEGEL, Esq.
 Queens Law Associates (?)
 118-21 Queens Blvd # Q12
 Forrest Hills, N.Y. 11375
 NEW YORK 11375
 718-261-3047
 N/A

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

LAUREN PARSON
 Assistant District Attorney
 125-01 Queen Blvd
 Kew Gardens
 NEW YORK 11415
 N/A
 N/A

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Joseph, Robert; of the Petty Family, is a citizen of the State of (name) United States of America.

b. If the plaintiff is a corporation

The plaintiff, (name) JOSEPH PETTY, is incorporated under the laws of the State of (name) NEW YORK, and has its principal place of business in the State of (name) NEW YORK.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) THE PEOPLE OF THIS STATE OF NEW YORK, is incorporated under the laws of the State of (name) NEW YORK state Court, and has its principal place of business in the State of (name) New York Supreme Court. Or is incorporated under the laws of (foreign nation) NEW YORK STATE COURT, and has its principal place of business in (name) New York State Court.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff is entitled to damages or other relief sought for loss - cause of harm - and fraud to other living soul. Each Defendant has violated all Constitutional Laws and the right to privacy along with due process. (ATTACHED EXHIBIT B)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(ATTACHED EXHIBIT B)

V. Certification and Closing

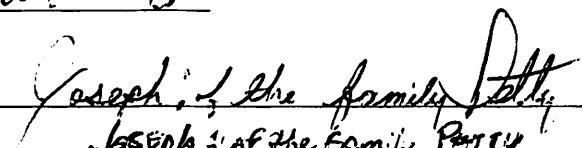
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12.27.2018

Signature of Plaintiff


Joseph J. of the family Potts

Printed Name of Plaintiff

Joseph J. of the family Potts

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Exhibit B

Exhibit

ATTENTION
PURSUANT TO SECTION 50-B OF THE
CIVIL RIGHTS LAW THIS COURT
DOCUMENT IS NOT AVAILABLE FOR
PUBLIC INSPECTION.

Q13618141

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APPARTEMENT OF QUEENS

CR-016003-18QW

STATE
COUNTY

THE PEOPLE OF THE STATE OF NEW YORK
V.
JOSEPH PETTY (35Y)
08493924Z
DEFENDANT

DETECTIVE MARILYN PAULSKNESKI OF 676 TAX REG# 924315 BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN OCTOBER 1 2014 12:01AM AND JANUARY 31 2015 11:59PM, IN THE COUNTY OF QUEENS, STATE OF NEW YORK, THE DEFENDANT COMMITTED THE OFFENSE OF:

PL 130.75-1(A) (11/1/03) [BF] COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

PL 130.75-1(A) (11/1/03) [BF] COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)
--- OVER A PERIOD OF TIME NOT LESS THAN THREE MONTHS IN DURATION, (A) ENGAGE IN TWO OR MORE ACTS OF SEXUAL CONDUCT, WHICH INCLUDED AT LEAST ONE ACT OF SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT OR AGGRAVATED SEXUAL CONTACT, WITH A CHILD LESS THAN ELEVEN YEARS OLD. *misspelled*

THE ABOVE OFFENSE WAS COMMITTED AS FOLLOWS:

DEPONENT STATES THAT SHE IS INFORMED BY THE COMPLAINANT, EMANI GIVENS, THAT APPROXIMATELY ON OR ABOUT AND BETWEEN THE ABOVE DATES, A PERIOD OF TIME GREATER THAN THREE MONTHS IN DURATION AT THE ABOVE LOCATION, THE DEFENDANT, JOSEPH PETTY, TOUCHED HER BREASTS AND HER VAGINA WITH HIS HAND ON MULTIPLE OCCASIONS.

DEPONENT IS FURTHER INFORMED BY THE COMPLAINANT THAT THE DEFENDANT PUT HIS MOUTH ON HER LIPS, HER BREASTS AND ON HER VAGINA ON MULTIPLE OCCASIONS.

DEPONENT IS FURTHER INFORMED BY THE COMPLAINANT THAT THE DEFENDANT HAD THE COMPLAINANT RUB HIS PENIS WITH HER HAND AND PUT HIS PENIS IN THE COMPLAINANT'S MOUTH.

DEPONENT IS FURTHER INFORMED BY THE COMPLAINANT THAT THE DEFENDANT RUBBED HIS PENIS AGAINST HER VAGINA ON MULTIPLE OCCASIONS AND THAT HE

) Index No.
 and Name of Assigned Judge
 Defendants.

Plaintiff alleges:

1. Plaintiff, resides at Street, New York.
2. Defendant holds the position of (public officer/public employee) with the (specify name of agency or public entity) and resides at Street, New York.
3. Defendant (name of public employer) is a (specify, e.g. municipality) organized and existing in accordance with the laws of the State of New York.
4. On [month, date, year], the Plaintiff was a victim of a sex offense, namely: (specify crime).
5. Plaintiff reported the crime to the Police Department on [month, date, year], at which time Plaintiff's statement was taken by Officer A copy of the police report is annexed as Exhibit A.
6. The individual Defendant wrongfully disclosed Plaintiff's identity to (specify person or entity) on [month, date, year].
7. Defendant revealed Plaintiff's identity by (explain manner of disclosure, e.g. providing a photograph or report). *Exhibit B*
8. Section 50-b of the New York Civil Rights Law specifically prohibits the disclosure of the identity of a victim of a sex offense other than in particular circumstances not applicable to the instant situation.
9. Civil Rights Law § 50-b(1) provides in relevant part as follows:
 "No report, paper, picture, photograph, court file or other documents, in the custody or possession of any public officer or employee, which identifies such a victim shall be made available for public inspection. No such public officer or employee shall disclose any portion of any police report, court file, or other document which tends to identify such a victim." 2
10. The revelation of Plaintiff's identity by Defendant clearly constitutes a wrongful disclosure in violation of the confidentiality provisions of Section 50-b of the New York Civil Rights Law.
11. Defendant was acting within the scope of (his or her) employment as a (public officer/public employee) with the Defendant (name of entity) at the time the wrongful disclosure occurred.
12. As a result of the wrongful disclosure of Plaintiff's identity, Plaintiff has suffered injury in that (describe).
13. As a result of the wrongful disclosure, Plaintiff incurred expenses for in the amount of \$
14. Plaintiff brings this action in accordance with Section 50-c of the New York Civil Rights Law which affords a private right of action to the victim of a sex offense whose identity has been disclosed in contravention of Section 50-b, and who has suffered injury by reason of such wrongful disclosure.

WHEREFORE, Plaintiff demands judgment against Defendants in the sum of \$ plus attorney's fees, and for such additional relief as the Court deems proper.

.....
 (Print name)
 Attorney for Plaintiff
 Address:
 Telephone Number:

(Verification) 3

Endnotes

1 Reserved.

2 Right of privacy; victims of sex offenses or offenses involving the transmission of the human immunodeficiency virus.—See Section 50-b above.

3 Verification.—See CPLR 3020–3023.

§ 50-d Personnel Records of Court Officers

CV50-d:1 Notice to Court Officer of Application in Civil Proceeding for Disclosure of Officer's Personnel Records 1

SUPREME COURT OF THE STATE OF NEW YORK
 County of

.....
 Plaintiff,)